

13TH GROUND.

MARY RICH, Sworn for the State. Sometime recently, Mrs. Leo M. Frank and Rabbi David Marx and two other men came to see me to get me to make an affidavit. The affidavit was not true and I refused to sign it. Mrs. Leo Frank said to me: "If you will sign this affidavit you will take the rope from my husband's neck". I replied I could not tell a lie and to sign that paper would be telling a lie. One man with Mrs. Frank and Rabbi Marx tore off a little piece of paper which was in his hands. This man was C. W. Burke. He said: "You take this paper". I told him I didn't want this piece of paper and he said: "This will not harm you, but you keep this piece of paper and it is just for you so that you will know it when you see it again". I took that little piece of paper and kept it. I showed it in a few minutes afterwards to Mr. F. J. Wellborn, a man that I have known a good long time and who was standing by when these people were talking to me. Afterwards I took the piece of paper and gave it to somebody in the office of Solicitor Hugh M. Dorsey. I have looked at the piece of paper attached to the affidavit signed by F. J. Wellborn and it looks to me to be about the size and shape of the paper which Burke gave to me. Burke also told me that if I got in trouble that I might know the cause of it. My daughter, Mary Rich read me out of the newspaper a statement to the effect that I had seen Jim Conley on April 26, 1913 at bout 2:15 P.M. come out of the alley immediately in the rear of the National Pencil Company. This was the first intimation that I had of such a claim, and on April 1, 1914, I went voluntarily, without being sent for, to the office of the Solicitor General. He not being there, I left and voluntarily returned to his office on April 2, 1914 and I voluntarily make this affidavit. I deny emphatically that I saw Jim Conley come out of said alley on any date; and neither is it true that Conley after purchasing a dinner from me on the 26th of April, 1913, went back to the aforesaid alley in the direction of the pencil factory. I never told anybody at any time or place that I saw Jim Conley come out of the alley immediately in the rear of the National Pencil Company's factory, or that after purchasing said dinner, said Conley went back to the aforesaid alley in the direction of the pencil factory. I am the only Mary Rich that I ever knew to keep a lunch stand between Forsyth Street and Madison Avenue on Hunter St. My daughter, whose

name is also Mary Rich has nothing to do with the sand and did not keep the same for me or have anything to do with it on April 26, 1913.

(Attached to the above affidavit is the business card of C. W. Burke)

F. H. WELLBORN, Sworn for the State. I know Mrs. Leo Frank and Rabbi David Marx when I see them. I also know an old negro woman who sells lunches by the name of Mary Rick, she having sold lunches near my place of business. Sometime recently I saw talking to this negro woman, Mary Rich, Mrs. Leo M. Frank, Rabbi David Marx and two other men. I don't know who the other men were. I moved over as near as I could get to these people and stood as close as I could without attracting their attention. I did not hear anything that anybody said, except what Mrs. Frank said to Mary Rich and what one of the two unknown men said at the conclusion of the discussion.

A great deal was said because they talked to me for about an hour. I remained [sic] there listening about thirty minutes. I heard Mrs. Leo M. Frank, among other things say to Mary Rich, "If you will sign this affidavit, you will take the rope from around my husband's neck." Mary Rich said in reply to that "I could not tell a lie". Mary Rich finally refused to sign the paper, and as they went to leave one of the unknown men said to her tearing off a piece of the paper which was in his hand, "Here keep this paper, and when you get in trouble you may know the cause of it. The piece of paper is hereto attached. I examined this paper carefully and it resembles in every respect the paper torn off by the unknown man on the occasion above set out and left with Mary Rich, and is the same piece of paper there torn off. Mary replied that she couldn't see how she could get into trouble by telling the truth. This is only a portion of the conversation I heard. This conversation occurred Monday, April 13, 1914.

(Attached is a piece of paper)

JIM CONLEY, Sworn for the State. It is not true that on April 26, 1913, at about 2:15 o'clock P.M. or at any other time on said day, I come out of the alley immediately in the rear of the National pencil Company factory, nor is it true that I bought a twenty cent dinner that day or anything else from Mary Rich. Nor is it true that I returned carrying said dinner in my hand and went back up said alley in the direction of the pencil

factory. I was formerly employed at the National Pencil Company and I knew Mr. Becker and recall that when he left, I assisted in the removal of his desk and papers from Mr. Becker's office on the fourth floor to the office of Mr. Frank on the second floor. Among the papers of Mr. Becker that were moved were the order blanks upon which the notes written by me found by the body of Mary Phagan were found. These were moved with the desk to Mr. Frank's office. It is also true that I was a fireman in the basement of the factory for about two months; that I run the elevator for about a year and a half going to the basement and the rest of the time while I was working at the factory I was familiar with the conditions existing in the basement. It is not true that the basement was allowed to have papers accumulated in it or stored in it. The basement was inspected by firemen of the city of Atlanta, and we were required to keep the basement cleaned of trash and papers. We were compelled to clean up all papers and trash and would burn and put it in front of the furnace and burn it up. The blank upon which I wrote was in Mr. Frank's office on the second floor of the pencil factory. There were no order blanks or books allowed to stay in the factory basement and I saw none and did not write on any found in the basement on April 26, 1913. I do not know by name Miss Helen Ferguson. I was not on the second floor of the National Pencil Company factory on the Saturday preceding April 26, 1913 and make any statement to her, "Yes, take all the boxes you want, Miss Helen". I did not keep getting closer to her, nor did I make any move as though I intended to grab her, not did she become frightened and run away. My work is on the fourth floor and I had nothing to do with the boxes on the second floor. On Saturday mornings the factory would close at about 11:45 A.M. and I was always busy at my work cleaning up the fourth floor so as to be able to get off promptly at closing hour. This box room is immediately across a small aisle from a large working room where about fifteen ladies are at work and it is also within 50 or 60 feet of the office, where the entire office force are and at the end of the hall within about 50 or 60 feet is the metal department where a number of people work and if I had made such an attack against Miss Ferguson, I would have done it with full knowledge that one scream from her would summon a large number of people. I never head [sic] of any such charge against me before and Miss Ferguson never complained about what she says.

